

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No.: 05-14	Effective Date: 07/05	Revision Date: 07/18/05
Subject: Internal Investigations		

I. Policy Statement

Internal investigations shall examine all alleged violations of Policy and Procedure, Code of Ethics, and federal, state and local laws.

II. Rationale

It is the responsibility of the Division of Juvenile Justice Services (JJS), to develop an objective analysis of alleged violations in JJS Policy and Procedures. The investigation's finding of facts establishes a foundation for decisions or actions related to JJS employees and programs.

III. Definitions

- A. The "Investigation Team" is the Division personnel who investigate allegations of misconduct by Division staff and juveniles while in Division custody.
- B. "Probable Cause" is a set of facts, conditions or circumstances that can be clearly stated, that would cause a reasonable person to believe them to be true. (This is the same standard a judge uses to issue a search warrant; a police officer uses to make an arrest; or a youth is taken into custody and booked into detention.)

IV. Procedures

- A. Division staff uses Incident Reports or verbal reports to establish probable cause that will allow assistant program directors to determine if an internal investigation will be completed.
- B. Internal Investigations may involve:
 - 1. JJS juveniles in custody,
 - 2. JJS employees,
 - 3. contracted private providers,
 - 4. school personnel,
 - 5. law enforcement,
 - 6. any appropriate outside agency.
- C. The Office of Internal Investigations shall maintain the integrity of JJS and will investigate referrals or requests for an internal investigation when:
 - 1. a formal complaint or grievance is made;
 - 2. there is suspicion of any kind of misconduct;

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3. to identify and halt criminal activity;
4. curtail adverse publicity;
5. limit liability;
6. identify employees who have violated JJS Code of Ethics, JJS Policy and Procedure, or any federal, state or local laws.

D. An Internal Investigation shall be completed in response to the following when probable cause has been established:

1. Staff-on-staff (in consultation with Human Resources),
 - a. violations of federal, state or local law, JJS Code of Ethics, or JJS Policy and Procedures,
 - b. if an injury occurs,
 - c. any potential litigation.
2. Staff-on-youth:
 - a. violations of federal, state or local law,
 - b. as the result of staff violation of JJS Code of Ethics or JJS Policy and Procedures,
 - c. an injury occurs,
 - e. any potential litigation,
 - f. incidents involving school personnel, or outside agency.
3. Youth-on-youth:
 - a. violations of federal, state or local law,
 - b. an injury occurs,
 - c. any potential litigation.
4. Person-on-property:
 - a. violations of federal, state or local law;
 - b. in result of staff violation of JJS Code of Ethics or JJS Policy and Procedures,
 - c. an injury occurs,
 - d. any potential litigation.

E. Internal Investigations shall be referred to The Department of Human Resources' management when:

1. there are allegations or suspicion of sexual or unlawful harassment;
2. issues involving an employee's employment status (sanctions, termination, suspension, warnings, etc.);
3. violations of Human Resource Policy and Procedures;
4. staff rights, (employees have the right to legal representation).

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- F. An internal investigation shall involve law enforcement when:
1. there are incidents that involve or endanger the lives or physical welfare of a juvenile or staff;
 2. probable cause is established and determined that federal, state or local laws are violated or in extreme emergency situations or exigent circumstances i.e., UCA 62a-4a-403 mandatory reporting for child abuse.
- G. An internal investigation involving employees alleged to have abused or exposed a youth, who is in JJS custody or control to criminal activity, shall be conjointly investigated, or simultaneously with the appropriate child protective services' investigator, law enforcement, or separately and independently.
- H. Internal investigations include interviews that are conducted on the complainant, witness, and the accused. They may include written statements, verbal statements, and other information, if deemed appropriate. Internal investigation reports also include evidence, additional paperwork, or other information that establishes probable cause.
- I. The Investigation Team collects facts through incident reports, interviews, evidence, and other information deemed necessary or appropriate. An Investigation Report includes a summary, finding of fact, and conclusion and is disseminated to all appropriate entities. The report is classified as PROTECTED by the Utah Government Record Access and Management Act (GRAMA), pursuant to Utah Code Section 63-2-304(8). The report is created and maintained for administrative enforcement purposes, is for the express use of JJS administrative staff only, and may not be released to the public.
- J. Internal investigation results include:
1. training,
 2. warnings (written or verbal),
 3. reprimands,
 4. suspensions,
 5. transfers,
 6. termination of employment,
 7. filing of criminal charges or referrals made to the appropriate agency (law enforcement, co-attorney, attorney general),
 8. exoneration.

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V. Continuous Renewal

This policy shall be reviewed three (3) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services, and is approved upon the signature of the Director.

Jody Valantine, Chair
Board of Juvenile Justice Services

Date

Dan Maldonado, Acting Director
Division of Juvenile Justice Services

Effective/Revision Date